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April 13, 2013

The Honorable Carol B. Amon  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

Re: *Michael Caban v. City of New York, et al.*, 10 CV 4619 (CBA) (LB)

Your Honor:

I represent the plaintiff in this civil rights action which settled on the record during a settlement conference with Magistrate Judge Bloom on November 15, 2011. Because the parties are unable to agree on the terms of the general release, I request that Your Honor either reopen this case and restore it to the calendar or meet with the parties to help us reach a resolution.

The disagreement is as follows. Defendants want plaintiff to sign a general release releasing the City and its employees from all claims alleging a violation of plaintiff's civil rights from the "beginning of the world to the date of the general release" except for claims arising out an alleged incident occurring on July 14, 2011 on Riker's Island and except for claims arising out of an alleged incident occurring on October 19, 2008 on Staten Island. These other claims are the subject of two lawsuits, one pending in Supreme Court, Bronx County and the other in Supreme Court, Richmond County.

Plaintiff, however, also needs language in the general release which will allow him to go proceed with two other lawsuits against the City of New York that are pending in Supreme Court, Bronx County. These lawsuits deal with two separate incidents that took place on Rikers Island, one on September 23, 2011 and the other, an asbestos exposure case, occurring from June 1, 2011 to the present.

The reason I did not make this application sooner is because plaintiff's counsel on these other cases, the law firm of Asher & Asher, just got back to me this week with the information I needed to make the present application.

Respectfully,

/s/

Richard Cardinale

Copy: Virginia Nimick